

**REMARKS**

**I. STATUS OF THE CLAIMS**

Claims 1-25 are pending.

Claims 1, 2, 6, 9, 12, 13, 15-20, and 22 are amended.

**II. REJECTION OF CLAIMS 1-25 UNDER 35 U.S.C. § 102(b)**

Claims 1-25 are rejected under 35 U.S.C. ' 102(b) as being anticipated by McMullan, Jr et al, U.S. Patent No. 5,255,086 (Hereinafter "McMullan '086"), or McMullan, Jr et al., U.S. Patent No. 5,142,690 (Hereinafter "McMullan '690").

Claim 1 (as amended) recites, "a [server serving the content] requestor for submitting a request when said comparator judges that the present time falls within the period of time, to a center for obtaining use of the content."

Note that neither McMullan '086 or McMullan '690 discloses the requestor submitting a request when said comparator judges that the present time falls within the period of time, to a center for obtaining use of the content. Note that the headend 110 in McMullan '086 does not submit a request to a center, as claimed, because the headend 110 itself is where the content originates. No such requestor, as claimed, is disclosed in either of the cited references.

Independent claims 12, 13, 15-20, and 22 are amended to recite this feature.

Dependent claim 2 is amended to recite, "a key receiver for receiving a key for unlocking the content." No such key received is disclosed in either McMullan '086 or McMullan '690.

Further, in the Amendment filed April 18, 2001, the Applicant presented the following remarks:

**In order to clarify the claimed invention, claim 1 is amended to recite, "a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served . . ."**

**An "individual self contained computer readable content medium . . ." distinguishes the present invention from the cited references. In the cited references, the actual content and the time period for serving that content are stored on different entities. In fact, in the cited references, the content may originate from an entirely different location than the period to serve the content. Therefore, the entire serving system of the references is not an individual self contained computer readable content medium. In fact, a server itself contains electronics and other parts and is not a computer readable content medium. The present invention, as claimed, is beneficial over what is disclosed by the references in that, in one embodiment, for example, a particular content (i.e. a program) may be released by the producers while being ensured that the program will be served only during a particular time period. In contrast, in the cited references, since content (i.e. a movie) is stored separately from any respective time periods, the owners of the content may not have direct control over when the content is served. The individual self contained computer readable content medium that stores a movie in the cited references does not also store the serving time for that movie.**

**Therefore, in view of the distinctions between amended claim 1 and the cited references, it cannot be said that claim 1 is now anticipated by the references. For the references to anticipate claim 1, an actual movie itself would have to be stored on a computer readable storage medium along with a serving period for that movie. This obviously cannot be the case, since in the references, serving periods of the movies vary according to choices made by the distributor, as typically, movies used by such systems are "re-used."**

In response, the outstanding Office Action replies, 'During the interview 12/26/2001 and also in the response filed on 10/20/2001, paper # 40, Applicant argues that the Examiner fails to answer the limitation such as "a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served". However, the Examiner disagrees because this limitation is disclosed by both McMullan as detailed above, specifically wherein the Examiner has stated " period reader ...." Reads on the structure at the headend that reads the stored data regarding the delivery time of the pay-pre-view showing. Typically, these showings are scheduled well in advance and are printed in a program guide for customers. As for claim 1, " present time or period of time data generator ...", inherently each of the applied references would have a time generator as part of the computer controlling the transmission of

ordered pay-per-view showings, so that the showing starts at the scheduled starting time and is cut off at the scheduled ending time.'

The Applicant now submits that he respectfully traverses the Examiner's statement. In fact, the Examiner's statement describes a system that is **not** what is claimed. For example, claim 1 recites, "a period reader reading a period stored on an **individual self contained computer readable** content medium, **the content medium** indicating a period of time during which a content on the content medium can be served . . ." McMullan '086 and McMullan 690 describe a system in which the period of time during which a content on the content medium can be served is stored **separate** from the content medium itself.

McMullan '086 and McMullan 690 describe a pay-per-view system in which movies can be shown, and users can pay to see these movies before they start. See McMullan '086, Figure 1, wherein the RF data 300 (containing the movie) is pumped into the system. The movies must be stored on a special DVD or other type of computer readable storage medium so that they can be played. However, the individual computer readable storage containing the movie does not contain a period indicating a period of time during which a content on the content medium can be served. It would not make sense in McMullan '086 and McMullan 690 to store the period of time on the computer readable storage medium containing the movie, as then the movie would not be reusable by broadcasters. In other words, if McMullan '086 and McMullan 690 operated this, they would need different DVDs for different playback times.

The time period in McMullan '086 and McMullan 690 is stored on a separate medium than the content medium in which content is served. For example, the Examiner mentions a program guide containing these period for customers. This could be considered a content medium. However, the program guide is separate from the content medium storing the movie itself. Further, the headend 110 may store times similar to the program guide in which pay-per-view movies are shown. However, these are not stored on the individual content medium itself. As stated above, if this were the case, a large number of copies of the movies would be needed at the source since each movie stored on a content medium could only be played during a particular period of time.

As one example, in one embodiment (of numerous embodiments) of the present invention, a movie can be stored on a DVD which can be played by the customer on only

Serial No. 08/645,073  
Group Art Unit: 2161  
Examiner: Elisca, P.

January 31, 2002. Thus on days before and after January 31, 2002, the DVD cannot be played. Thus, as another example of the use of an embodiment of the present invention, a user can rent such a DVD which can serve content (play a movie) for only one day, and then not be required to return it since after the specified period of time (one day in this case) the DVD can no longer be played.

While McMullan '086 and McMullan 690 disclose a movie that can only be played during a particular period of time, nevertheless the actual period of time is not stored on the computer readable content medium containing the content (movie). While the references do not say how the period of times are stored, it can be presumed that they are stored in a computer on a hard disk drive so they can be easily changed and adjusted month by month. This is **separate** from the content medium itself.

One advantage of the present invention over the system of McMullan '086 and McMullan 690, is that the present invention allows a user to be served content on a content medium during a particular period of time without requiring all of the two-way transmissions, billing systems, etc., as required in the cited references. The present invention can accomplish this goal merely on one computer readable storage medium, such as a DVD.

Thus, claim 1 is not anticipated by McMullan '086 and McMullan 690.

Further, while this is an anticipation rejection, note that nevertheless neither of the references provide a suggestion of the above quoted feature as well.

The remaining independent claims 4, 9, 10, 12-25, in view of the above, are also not anticipated or unpatentable by the cited references..

In view of the above, withdrawal of the rejections of claims 1- 25 is respectfully requested.

Serial No. 08/645,073  
Group Art Unit: 2161  
Examiner: Elisca, P.

IV. CONCLUSION


In view of the above, it is respectfully submitted that the above-referenced application is in condition for allowance, which action is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### IN THE CLAIMS

Not all of the claims are amended below. Nevertheless, for the convenience of the Examiner, all of the pending claims are reproduced below:

1. (FOUR TIMES AMENDED) A terminal comprising:  
a period reader reading a period stored on an individual self contained computer readable content medium, the content medium indicating a period of time during which a content on the content medium can be served;  
a present time data generator generating present time data indicating a present time;  
a comparator comparing the period of time with the present time; and  
a [server serving the content] requestor for submitting a request when said comparator judges that the present time falls within the period of time, to a center for obtaining use of the content.
2. (THREE TIMES AMENDED) A terminal according to claim 1, further comprising:  
a single medium, forming the content medium, storing a plurality of locked contents, each locked content provided with a period thereof; and [wherein the server supplies said terminal with a key for unlocking the content]  
a key receiver for receiving a key for unlocking the content.
3. (AS TWICE AMENDED) A terminal according to claim 1, wherein said server submits a request to a center when the present time falls within the period of time.
4. (AS FOUR TIMES AMENDED) A sales system comprising:  
a terminal comprising:

a period reader reading a period stored on a self contained independent computer readable content medium indicating a period of time during which a content can be served by submitting a request to a center;

a present time generator for generating present time data indicating a present time;

a comparator comparing the period of time with the present time; and

a requestor submitting a request to a center for obtaining use of the content when said comparator judges that the present time falls within the period of time; and

the center comprising:

a key supplier supplying said terminal with a key for unlocking the content when the present time falls within the period of time.

5. (AS TWICE AMENDED) A sales system according to claim 4, wherein said center further comprises a database registered with the period of the content.

6. (THREE TIMES AMENDED) A terminal according to claim [3] 1, wherein said terminal further comprises second comparator comparing an effective period of time with the present time and determining whether the present time is within the effective period of time.

7. (AS TWICE AMENDED) A terminal according to claim 2, wherein said terminal further comprises:

a disk for storing the contents; and

an installer installing a loader for the content.

8. (AS TWICE AMENDED) A sales system according to claim 4, further comprising:  
a period data changer changing period data indicating a serving period of the contents;

and

wherein said terminal further comprising:

a second comparator comparing an effective period of time with the present time and determining whether the present time lies within the effective period of time.

9. (FIVE TIMES AMENDED) A self contained computer readable storage medium which contains content, an interval period concerning the content, and a program executed by a computer,

wherein said program:

reads the period;

generates present time data indicating a present time;

compares the period with the present time;

judges that the present time data falls within said period or falls outside the period;

and

[allows access to the content if the judging determines the present time data]

requests to a center for obtaining use of the content when the present time falls  
within said period.

10. (AS THREE TIMES AMENDED) A self contained computer readable storage medium including both content and an interval period concerning the content, the storage device is accessed by a computer,

wherein said computer:

reads the period;

generates present time data indicating a present time;

compares the period with the present time;

judges that the present time data falls within the period or falls outside of said period; and

allows access to the content if the judging determines the present time data falls within said period.



11. (AS TWICE AMENDED) A storage device according to claim 9, wherein the period is written as single terminal data indicating starting or ending time interval.

12. (FOUR TIMES AMENDED) A self-contained computer-readable medium encoded with a computer program which performs the following functions:

reads an interval period, stored on the computer-readable medium, indicating a period of time during which content on the disk can be served;

generates present time data indicating a present time;

compares the period with the present time;

judges that the present time falls within the period or falls outside of said period; and

[allows access to] a requestor for submitting a request for the content if the judging determines the present time data falls within said period, to a center for obtaining use of the content.

13. (FIVE TIMES AMENDED) A terminal comprising:

a reading device which reads an interval period, stored on a self contained computer readable content medium indicating a period of time during which content stored on the content medium can be served;

a clock for indicating a present time;

a comparator which determines if the present time falls within the period of time; and

a [server which serves] requestor for submitting a request for the content on the content medium when the comparator determines that the present time falls within the period of time, to a center for obtaining use of the content.

14. (AS TWICE AMENDED) A sales system comprising:

a self contained independent computer readable content medium storing a locked content and an interval period for the locked content;

a center which provides a key to unlock the locked content when a present time falls within the period;

15. (FIVE TIMES AMENDED) A method for ascertaining a sales period exists, said method comprising:

reading an interval period stored on a self contained independent computer readable medium indicating a serving period of time;

generating present time data indicating a present time;

comparing the period stored on the medium with the present time to judge whether said present time falls within the period of time; and

[serving content stored on the medium if] requests to a center for obtaining the content when the comparing determines that the present time falls within the period of time.

16. (THREE TIMES AMENDED) A storage device readable by a computer comprising:

a storer storing a content on a self contained independent computer readable storage medium, the medium including an interval period concerning the content and a program executed by the computer, wherein said program:

reads the period;

generates present time data indicating a present time;

compares the period with the present time;

an accessor accessing said program; and

[a server serving the content] a requestor for submitting a request when the period is compared with the present time and it is determined that the present time falls within said period, the request made to a center for obtaining use of the content.

17. (FOUR TIMES AMENDED) A self contained independent computer readable storage medium comprising:

a content stored on the medium assessable by a user via a computer;

period data stored with the content on the medium indicating an interval period of time during which the content can be accessed by the user;

a program which causes the computer to refuse access to the content by the user if a present date falls outside of the period of time indicated by the period data; and

a [serving] requesting unit [to serve the content] for submitting a request when said program does not cause the computer to refuse access to the content, the request submitted to a center for obtaining use of the content.

18. (THREE TIMES AMENDED) A computer-readable storage medium encoded with a computer program which performs the following operations:

reads a period, stored on a disk, indicating an interval period of time during which a content on the disk can be served;

generates present time data indicating a present time;

compares the period with the present time; and

transforms a result of said comparison to data reflecting that a user is allowed to utilize the content, when the present time falls within the period; and

[serves the content] requests to a center for obtaining use of the content when said comparing step determines that said present time falls within said period.

19. (FOUR TIMES AMENDED) A method for ascertaining a sales period exists, said method comprising:

reading a period stored on a self contained computer readable storage medium indicating an interval period of time;

generating present time data indicating a present time;

comparing the period stored on the medium with the present time to judge whether said present time falls within the period; and

[serving content] requesting to a center for obtaining use of content stored on the medium storing the period to a storage medium when said comparing determines that said present time falls within said period.

20. (TWICE AMENDED) A terminal comprising:

a period reader reading a period stored on a self contained independent content medium indicating a period of time during which a content stored directly on the content medium released to end users can be served;

a present time data generator generating present time data indicating a present time;

a comparator comparing the period of time with the present time; and  
a [server serving] requestor for submitting a request for the content when said comparator judges that the present time falls within the period of time.

21. (AS ONCE AMENDED) A terminal comprising:  
a period reader reading a period stored on a self contained independent content medium indicating a period of time during which a content stored directly on the content medium can be served;  
a present time data generator generating present time data indicating a present time;  
a comparator comparing the period of time with the present time; and  
a requesting unit requesting a service of the content when said comparator judges that the present time falls within the period of time.

22. (TWICE AMENDED) An independent self contained computer readable storage medium released to end users which contains content, an interval period concerning the content, and a program executed by a computer, wherein said program:  
reads the period directly from the storage medium;  
generates present time data indicating a present time;  
compares the period with the present time;  
judges that the present time data falls within said period or falls outside the period; and  
[allows access to] requests to a center for obtaining use of the content if the judging judges that the present time falls within said period.

23. (AS ONCE AMENDED) A self contained computer readable storage medium readable by a computer comprising:  
a storer storing a content on the medium including an interval period concerning the content and a program executed by the computer, wherein said program:  
reads the period;  
generates present time data indicating a present time; and  
compares the period with the present time;  
an accessor accessing said program; and

a requesting unit requesting service of the content when the period is compared with the present time and it is determined that the present time falls within said period.

24. (AS ONCE AMENDED) A computer-readable storage medium encoded with a computer program which performs the following operations:  
reads a period, stored on a disk, indicating an interval period of time during which a content on the disk can be served;  
generates present time data indicating a present time;  
compares the period with the present time; and  
transforms a result of said comparison to data reflecting that a user is allowed to utilize the content, when the present time falls within the period; and  
requests the content when said comparing step determines that said present time falls within said period.

25. (AS ONCE AMENDED) A method for ascertaining a sales period exists, said method comprising:  
reading a period stored on a self contained computer readable storage medium indicating an interval period of time;  
generating present time data indicating a present time;  
comparing the period stored on the storage medium with the present time to judge whether said present time falls within the period; and  
requesting content stored on the storage medium when said comparing determines that said present time falls within said period.